

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

PUBLIC SERVICES - Commercial Taxes Department - Sri Y.K. Sai Mohan Raj, Commercial Tax Officer (Retd) - Appointed an un-skilled part-time boy worker in C.T. Check Post, Gooty, while working as Special Assistant Commercial Tax Officer, Gooty in contravention of Act 2/1994 - Disciplinary action initiated - Enquiry - Punishment of compulsory retirement Awarded -O.A.No.1303 of 2010 filed before Hon'ble Andhra Pradesh Administrative Tribunal - Punishment set aside by A.P. Administrative Tribunal dt.29-11-2012 - Implemented - Release of pensionary benefits - Orders - Issued.

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REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.1594

Dated:31-10-2013.
Read the following:-

- 1.Prog.No.V1/1184/2005, dated 02-03-2010 of the Commissioner of Commercial Taxes, AP, Hyderabad.
- 2.Final Orders of the Hon`ble A.P.A.T. in O.A.No.1303/2010 with VMA No.573/2010 dated 29-11-2012.
- 3.Orders of the Hon`ble High Court in W.P.No.7654 of 2013 dated 08-04-2013.

ORDER :

In the proceedings 1st read above the Commissioner of Commercial Taxes, AP, Hyderabad has imposed punishment of "compulsory retirement" on Sri Y.K.Sai Mohan Raj, Commercial Tax Officer, (Retired) who appointed one Sri S. Hussain Basha, Gooty as un-skilled part time boy worker in Commercial Taxes Check Post, Gooty on 28-08-1994 in contravention to the Act 2 of 1994, while working as Special Assistant Commercial Tax Officer, Gooty.

2. Aggrieved by the above punishment, Sri Y.K. Sai Mohan Raj, Commercial Tax Officer filed O.A.No.1303 of 2010. The Hon`ble A.P. Administrative Tribunal in its interim orders dated 05-03-2010 has suspended the punishment imposed with a direction to continue the applicant in service, pending disposal of OA. Accordingly the individual was re-instated into service and later retired from service on 31-10-2010 on attaining the age of superannuation.

3. In the reference 3rd cited, the Hon`ble Andhra Pradesh Administrative Tribunal passed final orders dated 29-11-2012 and set aside the proceedings No.VI/1184/2005 dated 02-03-2010 of the Commissioner, Commercial Taxes in which punishment of "compulsory retirement" was imposed on Sri Y.K. Sai Mohan Raj, Commercial Tax Office (Retired) and directed to release all the pensionary benefits to the applicant for the entire period taking into consideration his normal date of retirement on attaining the age of superannuation, i.e., 31-10-2010.

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4. The Commissioner, Commercial Taxes, A.P., Hyderabad has filed W.P.No.7654 of 2013 before the Hon'ble High Court against the Orders of the Hon'ble A.P. Administrative Tribunal in O.A.No.1303 of 2010. In the reference 3rd read above, the Hon'ble High Court has dismissed the above W.P., at the admission stage vide orders dated 08-04-2013 observing that the same is devoid of merits.

5. The Government after careful examination of the matter have decided to implement the orders of the Hon'ble A.P. Administrative Tribunal in O.A.No.1303 of 2010 passed in the reference 2nd read above and release all the pensionary benefits to Sri Y.K. Sai Mohan Raj, Commercial Tax Office (Retired) for the entire period taking into consideration his normal date of retirement on attaining the age of superannuation, i.e., 31-10-2010.

6. The Commissioner, Commercial Taxes, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner,
Commercial Taxes, A.P., Hyderabad
Copy to
Sri Y.K. Sai Mohan Raj, Commercial Tax Officer (Retd.)
through: the Commissioner of Commercial Taxes, AP, Hyderabad.
The Finance (Pension-I) Department.
The Accountant General, A.P., Hyderabad.
The Revenue (CT- I) Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.

Please see the note on pre-pages and the orders in circulation of the Hon`ble CM at para 53 (1) on page 17 N.F.

Submitted that the Hon`ble CM has agreed for the release of all the pensionary benefits to Sri Y.K. Sai Mohan Raj, Commercial Tax Office (Retired) for the entire period taking into consideration his normal date of retirement on attaining the age of superannuation, i.e., 31-10-2010 .

Accordingly a draft order requesting the Commissioner of Commercial Taxes to take necessary action is put up below for approval.